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Paper No. 16

In re Application of  
Steven A. Weiss *et al*  
Application No. 09/921,076  
Filed: August 2, 2001  
Attorney Docket No. 31069-pa

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: DECISION ON PETITION  
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This is a decision on the petition filed on September 2, 2003 by which petitioners request withdrawal of the holding that this application stands abandoned for failure to timely file a reply to the Office letter dated November 20, 2002. No fee is required for the petition.

The petition is granted.

Petitioner alleges that the application is not abandoned because a reply to the Office letter in question was in fact filed, together with the appropriate petition for a three month extension of time and the fee therefor. The reply is in fact of record in the file, but has become separated from the extension of time paper and from the cover letter for the papers. However, petitioners have supplied copies of the papers filed on May 22, 2003, including the cover letter which has affixed thereto a 37 CFR 1.8(a) certificate of mailing dated May 19, 2003. It is clear from the copies of the papers submitted with the petition, as well as from Office financial records showing receipt of the fees tendered with the papers, that this application is not in fact abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to examiner for action on the reply filed on May 22, 2003, certificate of mailing date May 19, 2003.

PETITION GRANTED.

E. Rollins-Cross, Director, Patent  
Examining Groups 3710 and 3720

Bernhard Kreten, Esq.  
Bernhard Kreten & Associates  
300 Capitol Mail  
Suite 1100  
Sacramento, CA 95825